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60,426-204; 2000P07848US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Morrison

Serial No.   09/915,033

Examiner: Holloway, Edwin C., III

Group Art Unit: 2635

Filed: 7/25/01

Title: Remote Entry Transmitter With Transmission Identification Codes

M/S After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

At the outset, appellant confirms it is not separately contesting the rejection of the claims over the three references utilized to reject claim 1, and further over Kurosu. Appellant's argument is drawn to the combination of Lambropoulos, et al. and Guerin, et al. to reject the independent claims.

As mentioned in the main brief, Guerin, et al. discloses including dates into a security code for only two reasons. The first reason has to do with indicating whether a "carrier" element is the most up-to-date carrier. As previously mentioned in appellant's main brief, the Guerin, et al. reference is not a clear disclosure. The Examiner's Answer questions arguments made in appellant's main brief, and in particular what the function of the "carrier" is in Guerin, et al. The examiner may well be right that the "carriers" are the cards carried by the individual seeking access to the building.

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It appears that what encodes the carriers is a "production machine LE." Appellant was taking his belief from the disclosure in col. 2, line 24+ talking about a production machine which "no longer possess entitlement."

At any rate, as interpreted by the examiner, the carriers carry the date of customization. This date is incorporated into each carrier for two reasons. One is to set an expiration date, and this purpose will be discussed below. The other is to allow an update of each carrier as a particular user obtains a replacement carrier. As an example, in the paragraph beginning at line 55 of col. 4, a lock will learn a new carrier customization date if the carrier customization date is later than that which it had previously stored. In this manner, should a user of the building incorporating this system lose a key, he will be provided with a replacement key having a later customization date. Now, should someone find the old key, that key will no longer be seen as valid since the customization date will be before the newly remembered customization date.

This may very well be a valuable function in a system where large numbers of users are all utilizing the same lock – i.e., an apartment building. When one user of the building loses his card, one would not wish to require the dozens of others to all retain a replacement card. However, the system of Lambropoulos would not benefit from this, and would not have the same problem. If the remove access device of Lambropoulos is lost and needs to be replaced, there is already the field programming function as disclosed for example in the paragraph bridging cols. 14 and 15. Since there are only one or two users, the entire code is replaced. There is no need for maintaining the validity of other cards when one is replaced. For this reason, this function of including dates into the Guerin, et al. System would have no benefit in Lambropoulos, et al.

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The other use of the time is to have a date that will ensure the card will expire. Again, as mentioned in the main brief, the Lambropoulos, et al. system which is incorporated into vehicles is not something that one would want to expire. People own automobiles for years. The Guerin, et al. reference discloses a need for expiring a card in the event the card is lost, and one would not want to permit access to a building for an indefinite period of time after the card is lost. An automobile having its remote keyless entry system in the hands of a thief, would be quickly stolen. There would be no reason to have the code expire a month later. The competing burden of requiring the automobile owner to keep re-programming the vehicle each month is simply not outweighed by any possible benefit.

The examiner speculates that having the code expire might be useful because vehicles are rented, leased or purchased in a manner which must be periodically paid. First, none of this is supported by either of the references in the rejection. The examiner is creating this argument of whole cloth. Also, one who has leased or purchased a car, does not wish to have to return to any facility to have the card re-authorized at any periodic period of time. Why would preventing the remote entry of Lambropoulos, et al. from working provide any real benefit?

As is known, carriers of a remote entry device also typically carry a mechanical key. Because of the mechanical key, having the code expire after a period of time would not prevent access to the vehicle. One could always utilize the mechanical key to gain entry to the vehicle if the Lambropoulos, et al. remote keyless entry were to have expired. Simply, this argument is hindsight in the extreme.

In sum, the examiner provides no reason why the combination of these references would be suggested. Guerin, et al. includes time and date information in its system for reasons that

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have no benefit in Lambropoulos, et al. and thus, the rejections are improper. Reversal of all

rejections is in order, and such action is earnestly solicited.
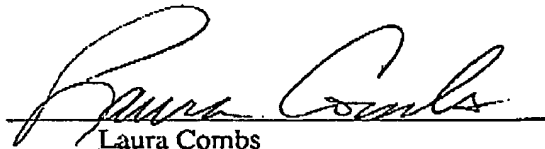
Respectfully submitted,

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United

States patent and Trademark Office, fax number (571) 273-8300, on December 23, 2005.

Laura Combs

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